

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TIMOTHY LOONEY,

Plaintiff(s),

- against -

LONGVIEW FUND, L.P., ET AL.

Defendant(s).

08 Civ. 1069 (CM) (AJP)

DECLARATION OF SERVICE

I, Jason A. Nagi, declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that the foregoing is true and correct:

I am not a party to the action and am over 18 years of age and reside in Brooklyn, New York.

On April 30, 2008, I cause to be served a true and correct copy of the **Summons and Complaint** on Alpha Capital Anstalt (“Alpha”) by overnight mail via Fed Ex to Kenneth A. Zitter, Esq. counsel to Alpha, at the following address:

260 Madison Avenue
18th Floor
New York, NY 10016

pursuant to Alpha's agreement to accept service in this manner in accordance with the letter attached hereto as Exhibit A.

Dated: New York, New York
May 27, 2008

s/ Jason A. Nagi
JASON A. NAGI

EXHIBIT A

haynesboone

April 30, 2008

Direct Phone Number: (212) 659-4989
Direct Fax Number: (212) 884-8247
jason.nagi@haynesboone.com

By Facsimile 212-679-8998

Kenneth A. Zitter, Esq.
260 Madison Avenue
18th Flr
New York, New York 10016

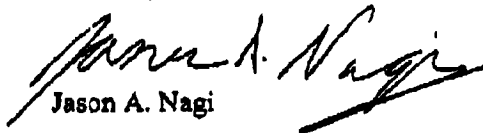
Re: *Looney v. Longview Fund, L.P., et al.*, No. 08 CV 1069 (CM) (AJP)

Dear Ken:

Further to our telephone conversation today, this letter will confirm that you have agreed to accept service of process in the above referenced action on behalf of defendant Alpha Capital Anstalt ("Alpha") by Federal Express, overnight delivery. Your acceptance of service does not waive any of Alpha's defenses in this action. Upon receipt of your countersignature below indicating your agreement, we will serve you with a copy of the summons and complaint filed in this action, by FedEx. Copies and facsimile signatures shall be deemed originals for all purposes.

In addition, I have enclosed a copy of Judge McMahon's Order Scheduling An Initial Pretrial Conference, which was adjourned to May 2, 2005 at 11:45 a.m.

Sincerely,


Jason A. Nagi

Encs.

ACCEPTED AND AGREED

this 30th day of April, 2008


By: Kenneth A. Zitter, Esq.
On behalf of Alpha Capital Anstalt

N-15572_1.DOC

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